

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 440 be amended to read as follows:

- 1 Page 3, between lines 18 and 19, begin a new paragraph and insert:
- 2 "SECTION 5. IC 13-21-3-14 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. (a) Except as
- 4 provided in subsection (c) and section 14.5 of this chapter, the powers
- 5 of a district do not include the following:
- 6 (1) The power of eminent domain.
- 7 (2) Except as provided in subsection (b), the power to exclusively
- 8 control the collection or disposal of any solid waste or recyclables
- 9 within the district by means that include the following:
- 10 (A) Franchising.
- 11 (B) Establishing a territory or territories within the district in
- 12 which a person may provide service.
- 13 (3) The power to establish the type of service that a person must
- 14 provide for the collection or disposal of solid waste or recyclables
- 15 within the district.
- 16 (4) The power to establish fees that a person must charge for the
- 17 collection or disposal of solid waste or recyclables within the
- 18 district.
- 19 **(5) The power to regulate conduct that is regulated by a state**
- 20 **agency, except as expressly granted by statute.**
- 21 (b) If one (1) or more of the governmental entities in a district, at the
- 22 time of the formation of the district, is a party to a contract providing
- 23 that the persons contracted with have the exclusive right to collect or
- 24 dispose of solid waste within the jurisdiction of the governmental

- 1 entity, the district may enter into an extension of that contract.
- 2 (c) Subsection (a) does not apply to activities conducted as part of
- 3 a household hazardous waste collection and disposal project.".
- 4 Renumber all SECTIONS consecutively.  
(Reference is to ESB 440 as printed April 7, 2003.)

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Representative Bottorff